



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

2006-2454-GMR

Issuance Date:

July 10, 2007

Stream:

Beasley Run

Closing Date:

August 9, 2007

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Preble County Commissioners
101 East Main Street
Eaton, Ohio 45320

LOCATION: The project is located on the west side of State Route 127, approximately 4 miles south of the City of Eaton in Gasper Township, Preble County, Ohio. The Preble County Landfill property consists of approximately 400 acres, of which approximately 160 acres comprises the existing and proposed landfill facilities. The proposed fill activities are located in Beasley Run, Scheider Run and unnamed tributaries to Beasley Run and Scheider Run. These waters are part of the Great Miami River watershed.

DESCRIPTION OF PROPOSED WORK: The applicant proposes a phased expansion of the vertical limits of the existing landfill in order to extend the life of the facility by 17 years. Implementation of the project would result in impacts to 0.15 acre of emergent wetlands and 2,634 linear feet (lf) of six streams.

The applicant proposes to place a total of approximately 340 cubic yards of native material into 0.12 acre of Wetland 2 and 0.03 acre of Wetland 3 to construct an access road and construction laydown area. Approximately 730 lf of five streams (Streams 6, 7, 8, 11 and 12) would be permanently filled with by 125 cubic yards of native earthen material. Of the 730 lf of stream impacts, approximately 420 lf of Streams 6, 8, 11 and 12 must be filled to allow for lateral expansion of the perimeter landfill berm and approximately 310 lf of Streams 6 and 7 will be impacted during mitigation activities.

In addition, approximately 1,904 lf of Beasley Run (Stream 13) will be relocated to the south around the proposed perimeter berm. The relocation of Beasley Run will result in the temporary loss of 1,904 lf of the stream; however, a new channel 2,341 lf in length will be created. The existing channel will be retained within the relocated channel where possible. One temporary road crossing (approximately 100 lf) is proposed for the construction phase and would be removed once construction has been completed. Plans of the proposal are attached to this notice.

MITIGATION: The applicant has provided a conceptual mitigation plan to compensate for temporary and permanent impacts to waters of the United States. In order to mitigate for wetland impacts, the applicant proposes to construct a dedicated 10 acre emergent wetland mitigation bank on-site to serve Preble County. To mitigate for 0.15 acre of wetland impacts the County will set aside 0.23 acre of non-forested wetland at the dedicated bank. The entire mitigation area would be preserved through an environmental covenant.

In order to mitigate for 2,634 linear feet of stream impacts, the applicant proposes to construct a new 2,341 lf channel to recreate Beasley Run and will restore and enhance two reaches of Scheider Run (approximately 1,500 lf). According to the applicant Scheider Run has encroached upon the existing Eaton landfill located immediately north of the Preble County landfill exposing landfill waste which is transported downstream during high water events. The applicant proposes to utilize natural stream stabilization techniques, including tree revetments, boulder structures, live staking and tree plantings to protect the stream banks from future erosion.

ALTERNATIVE ANALYSIS: Construction of the proposal does not require access to or siting within wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. All practicable alternatives not involving such discharges into special aquatic sites are presumed to have less adverse impacts to the aquatic system. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant is currently preparing the required alternative analysis.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed in the register within the area affected by the project. A cultural resources investigation was performed by the applicant. Results of this investigation are contained in the report entitled "*Phase I Cultural Resource Management Investigations for an Approximately 68 ha (168 ac) Expansion of the Preble County Landfill in Gasper Township, Preble County, Ohio.*" Based on the results of this investigation, our office has determined the proposed project would have no effect on properties eligible for the National Register of Historic Places and no additional cultural resources investigations are recommended. A copy of this Phase I Cultural Resources Report has been furnished to the State Historic Preservation Office for their review.

A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review and comments. Comments concerning archeological sensitivity of the project area should be based upon collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the following species:

Indiana bat
Bald eagle
Eastern massasauga
Rayed bean

Our office has reviewed the available information concerning the above listed species and due to the lack of suitable habitat on-site this office has determined that this project will not affect the Bald eagle, Eastern massasauga or Rayed bean. The applicant's proposal includes seasonal clearing restrictions and proposed avoidance and minimization measures which were recommended by the United States Fish and Wildlife Service (USFWS). Based on the implementation of approved seasonal clearing restriction and avoidance and minimization measures our office has determined that the project is not likely to adversely affect the Indiana bat or result in the destruction or adverse modification of critical habitat. This public notice

serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

North Regulatory Permit Section - CELRH-OR FN-2006-2454-GMR
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070

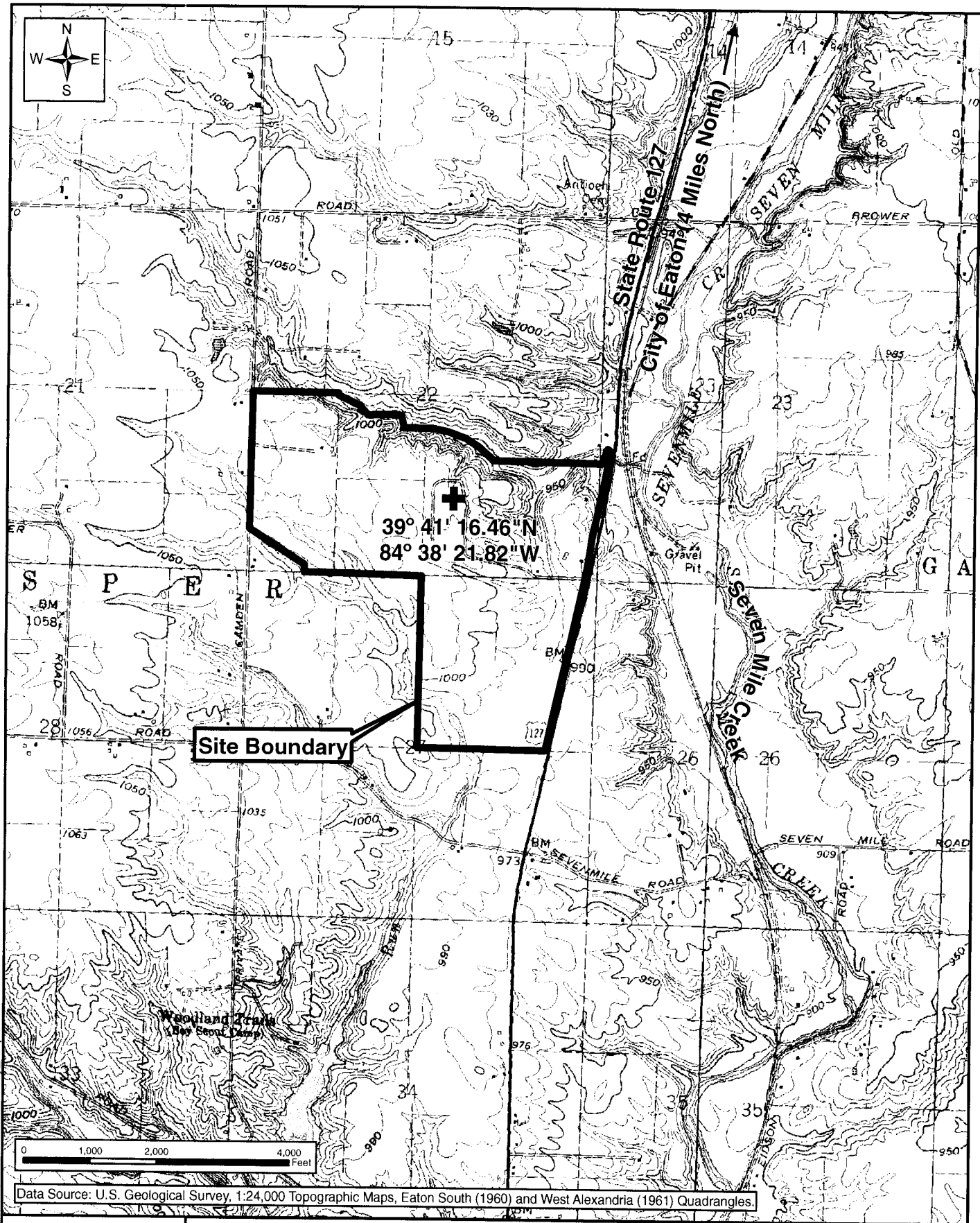
Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. David A. Frantz of the North Regulatory Section at 304-399-5210.



Ginger Mullins, Chief
Regulatory Branch

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Preble County Board of Commissioners
Preble County Sanitary Landfill Expansion Project
Preble County, Ohio
Vicinity Map

4-30-07

Sheet 1 of 7

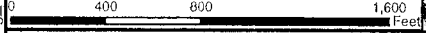
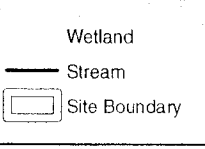
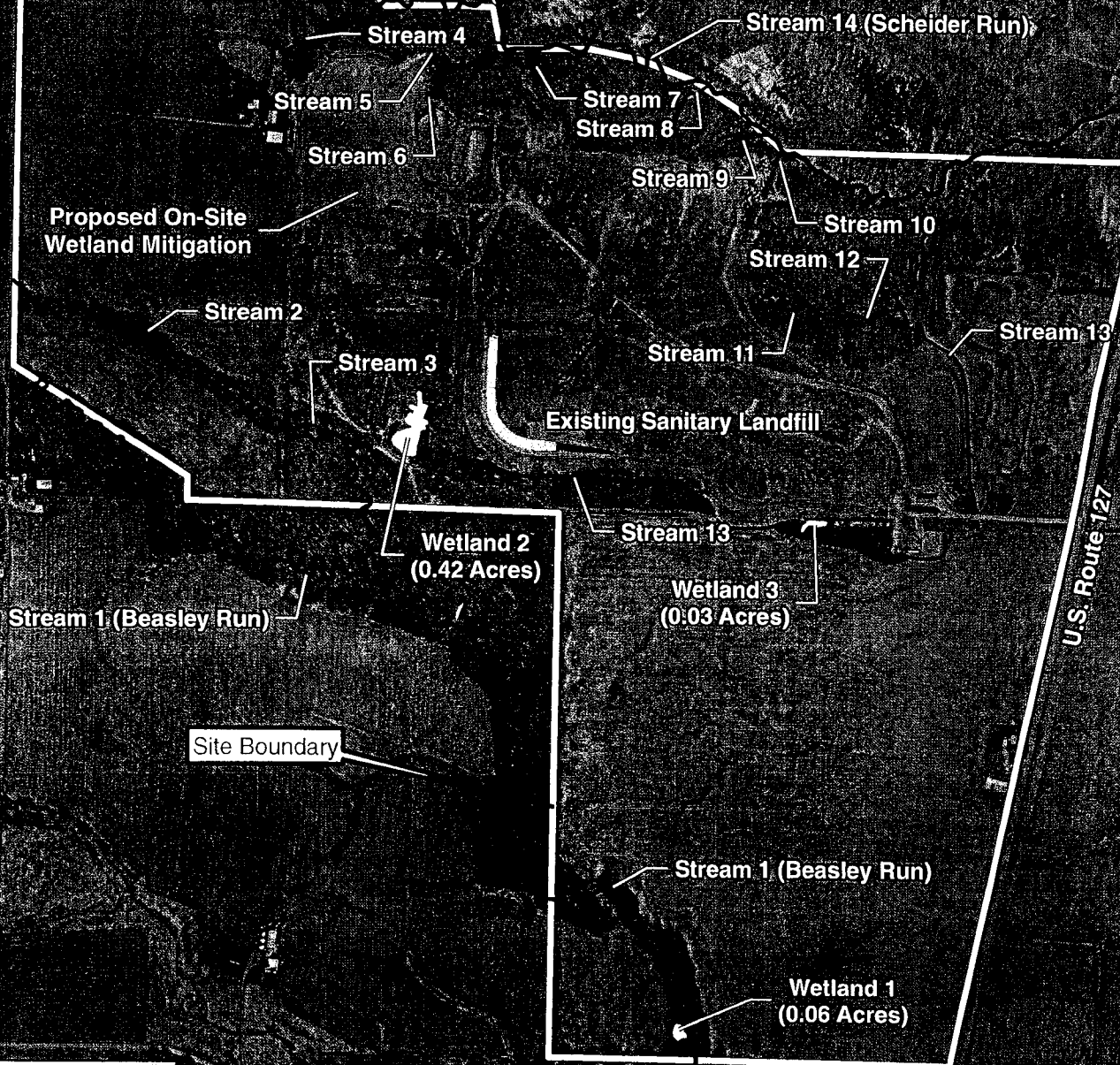


Proposed On-Site Stream Mitigation

Proposed On-Site Wetland Mitigation

Existing Sanitary Landfill

U.S. Route 127



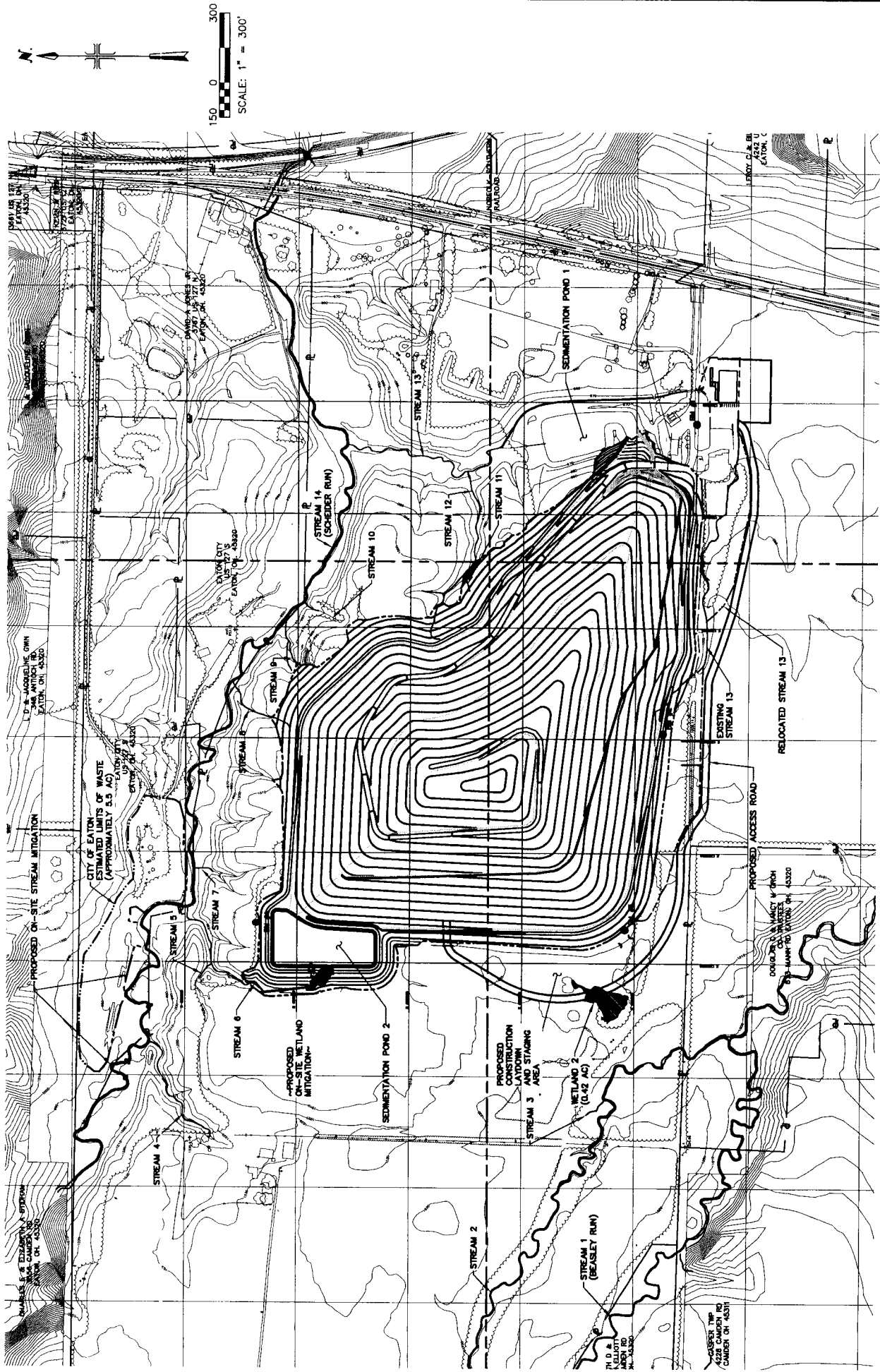
Data Source: Preble County Engineer's Office, 1/2-foot Aerial Photography, 2005.

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Preble County Board of Commissioners
Preble County Sanitary Landfill Expansion Project
Preble County, Ohio
Site Existing Conditions

4-30-07
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PREBLE COUNTY SANITARY LANDFILL
PREBLE COUNTY, OHIO

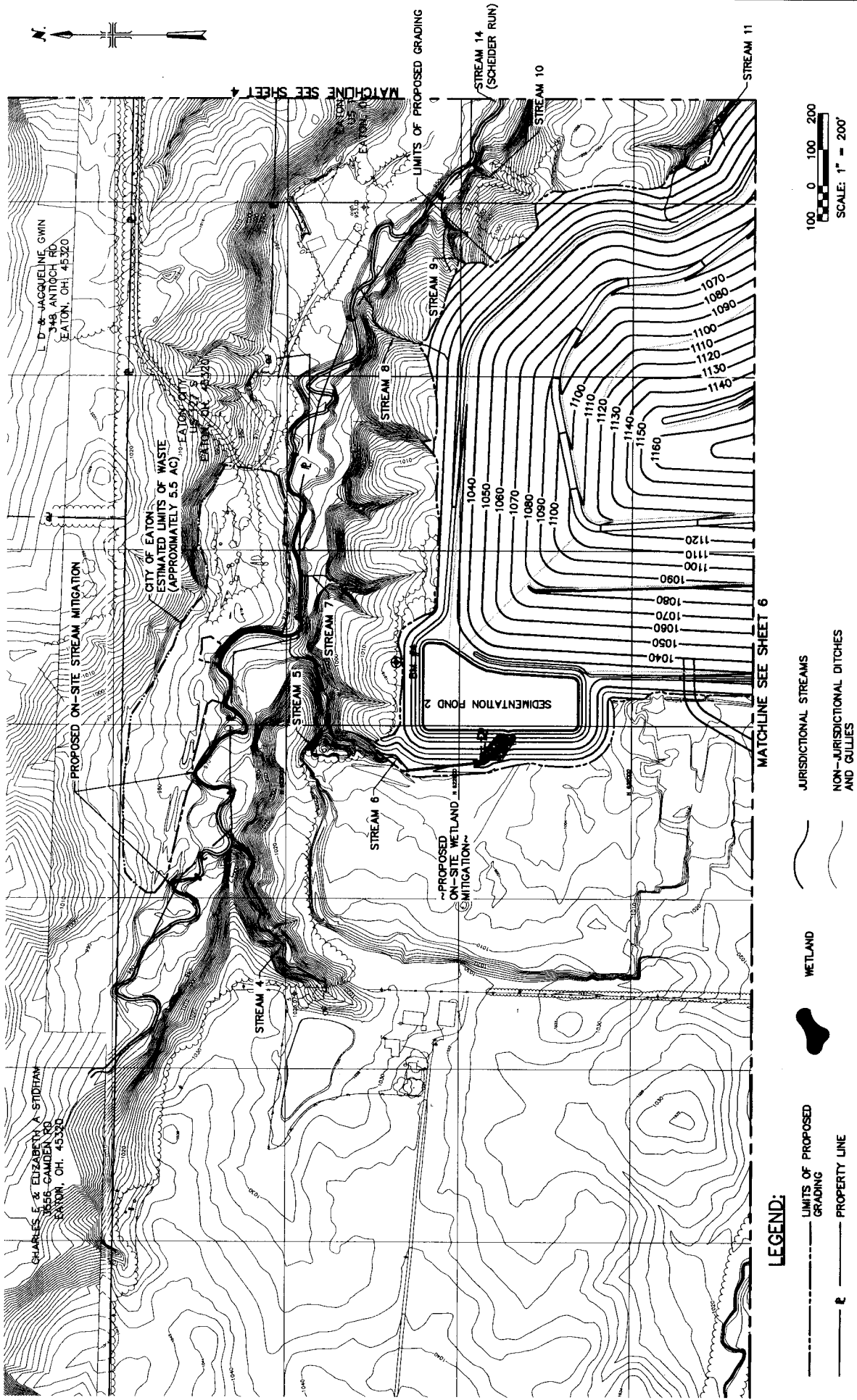
PLAN VIEW
INDEX

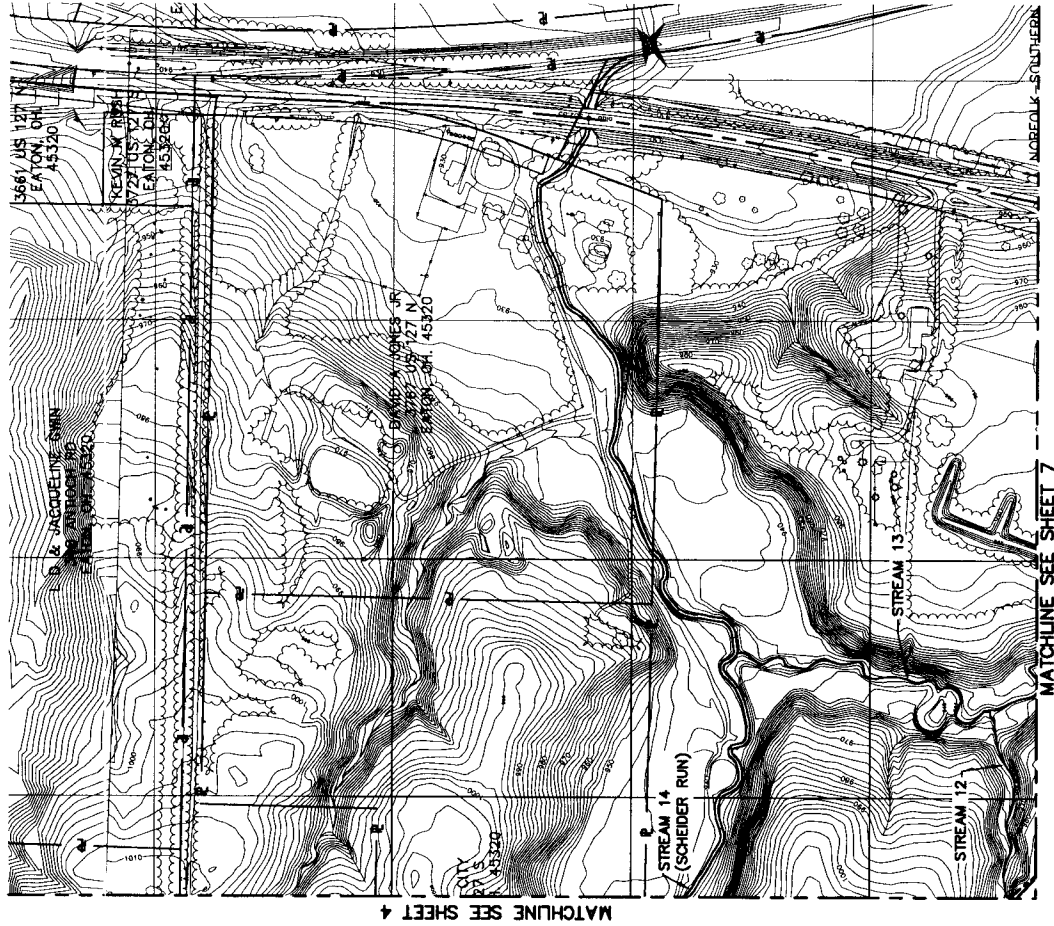
MALCOLM PIRNIE, INC.

APRIL 30, 2007

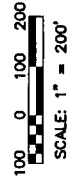
SHEET 3 OF 7

**MALCOLM
PIRNIE**





- LEGEND:**
- LIMITS OF PROPOSED GRADING
 - - - PROPERTY LINE
 - WETLAND
 - JURISDICTIONAL STREAMS
 - NON-JURISDICTIONAL DITCHES AND GULLIES



PREBLE COUNTY SANITARY LANDFILL
PREBLE COUNTY, OHIO

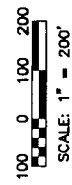
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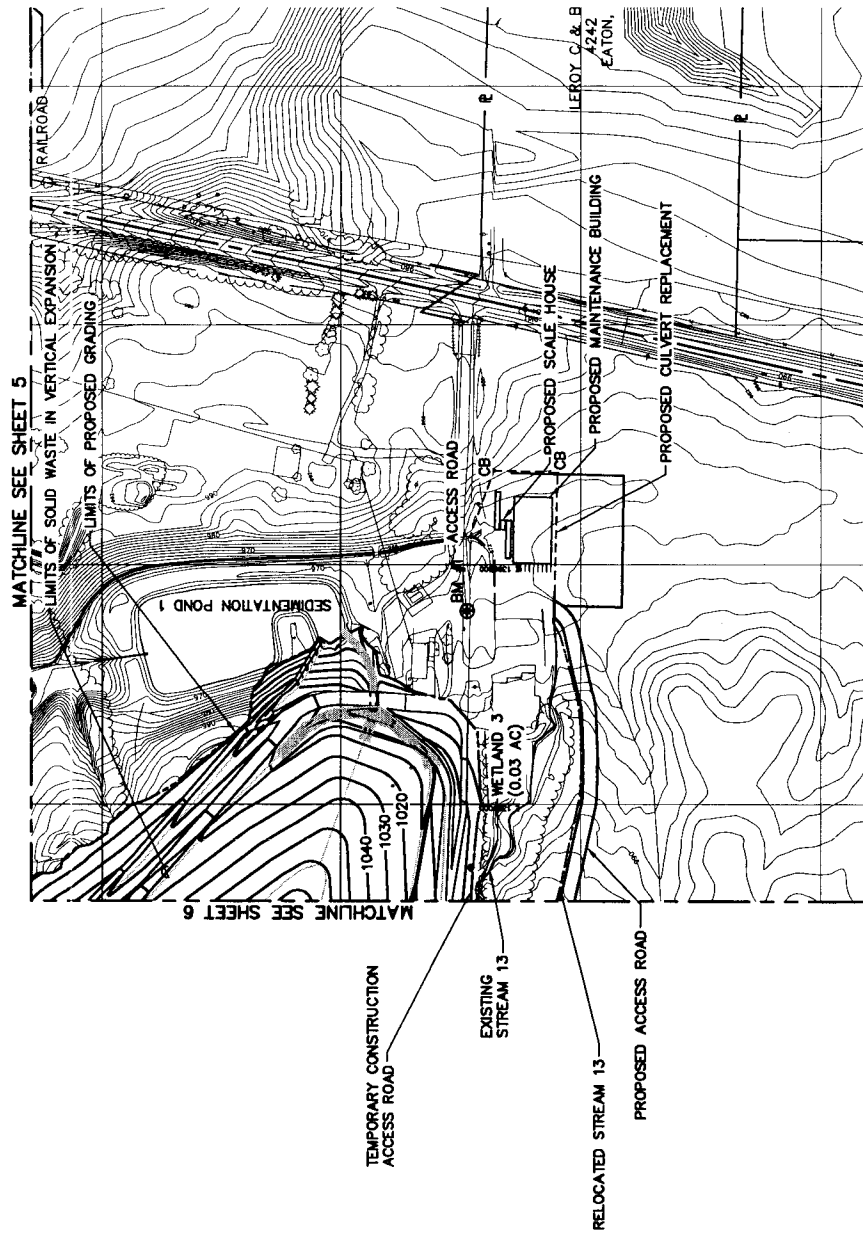
MALCOLM PIRNIE, INC.

APRIL 30, 2007

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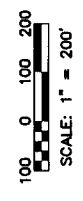
**MALCOLM
PIRNIE**





LEGEND:

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PREBLE COUNTY SANITARY LANDFILL
PREBLE COUNTY, OHIO

PLAN VIEW

MALCOLM PIRNIE, INC.

APRIL 30, 2007

SHEET 7 OF 7

**MALCOLM
PIRNIE**